

July 11, 2003

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**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Vistrionix, Inc.  
236 Massachusetts Avenue, NE  
Suite 100  
Washington, DC 20002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Alascom Petition for Waiver: WC Docket No. 03-18;  
GCI FOIA Request: FOIA Control No. 2003-208

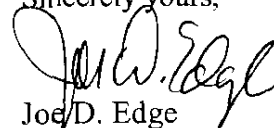
Dear Secretary Dortch:

On behalf of General Communication, Inc. ("GCI"), please find enclosed an original and nine copies of Declarations executed by Joe D. Edge and Timothy R. Hughes in the following two dockets: WC Docket No. 03-18 and FOIA Control No. 2003-208. The Declarations are submitted in conformance with the Protective Order adopted and released by the Deputy Chief, Policy Pricing Division in the above-captioned proceedings on July 10, 2003. In addition, please find enclosed ten copies of a letter to Charles R. Naftalin, counsel for Alascom, Inc., providing copies of the executed Declarations.

Please date-stamp and return one of the enclosed copies to us, via our messenger.

Please call me at (202) 842-8895 with any questions or concerns regarding this submission.

Sincerely yours,

  
Joe D. Edge

JDE

Enclosures

cc: Julie Saulnier, FCC (via email)  
Laurence H. Schecker, FCC (via email)  
Charles R. Naftalin (via email)

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July 11, 2003

**BY FACSIMILE AND REGULAR MAIL**

Charles R. Naftalin  
Holland & Knight LLP  
2099 Pennsylvania Avenue N.W.  
Suite 100  
Washington, DC 20006-6801

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Alascom Petition for Waiver: WC Docket No. 03-18;  
GCI FOIA Request: FOIA Control No. 2003-208

Dear Charlie:

Pursuant to the terms of the Protective Order adopted and released in the above-captioned proceedings by the Deputy Chief, Policy Pricing Division on July 10, 2003 ("Protective Order"), please find enclosed copies of Declarations that my associate, Tim Hughes, and I have executed. The original copies of these documents are being filed with the Commission.

In addition to providing you with the enclosed Declarations, I am writing on behalf of my client, General Communication, Inc. ("GCI"), to request that Alascom, Inc. ("Alascom") provide certain information subject to the terms of the Protective Order. As a threshold matter, I note that GCI and Alascom worked closely with counsel for the Commission in order to arrive at a mutually agreeable Protective Order and that the terms of the recently released Protective Order reflect the parties' agreements. I further note that the Commission adopted the Protective Order in part "to facilitate and expedite the review of documents containing trade secrets and commercial or financial information either in the Commission's possession and responsive to GCI's *FOIA Request*, or that GCI may obtain from Alascom in participating in the *Alascom Waiver Petition* proceeding." See Protective Order at 2 (¶ 2). With the release of the Protective Order, Alascom's concerns regarding the confidentiality of materials requested by GCI have been addressed.

As we have discussed and briefed at length, an in-depth review of Alascom's Cost Allocation Plan ("CAP"), the underlying economic model(s) ("CAP Model"), and inputs is necessary to evaluate the claims that serve as the basis for Alascom's Waiver Petition. Given GCI's need to review additional information from Alascom relating to the CAP, CAP Model, and related inputs, please provide copies of the following:

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Charles R. Naftalin

July 11, 2003

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1. Any and all versions of the CAP;<sup>1</sup>
2. Any and all versions of the CAP used by Alascom or any outside consultant employed by Alascom, to formulate and/or support Tariff 11 rates;
3. Exact copies of any and all versions of the CAP provided by Alascom to the Commission or the Bureau at any time from 1994 through the present;
4. Exact copies of any and all versions of the CAP provided by Alascom to any outside consultants, including John C. Klick and Julie A. Murphy;
5. Any and all versions of any economic models used or relied upon by Alascom to formulate and/or support Tariff 11 rates, any of Alascom's annual rate revisions to Tariff 11, or the CAP;
6. Exact copies of any and all versions of any economic models used or relied upon by Alascom to formulate and/or support Tariff 11 rates, any of Alascom's annual rate revisions to Tariff 11, or the CAP that were provided by Alascom to the Commission or the Bureau at any time from 1994 through the present;
7. Exact copies of any and all versions of any economic models used or relied upon by Alascom to formulate and/or support Tariff 11 rates, any of Alascom's annual rate revisions to Tariff 11, or the CAP that were provided by Alascom to any outside consultants, including John C. Klick or Julie A. Murphy;
8. Any and all input data used by Alascom and/or any outside consultants employed by Alascom to populate, formulate, or run the CAP, as well as any and all input data and assumptions used in any economic model supporting the CAP;
9. Any and all input data used by Alascom and/or any outside consultants employed by Alascom to populate, formulate, or run the CAP that has been provided by Alascom to the Commission or the Bureau at any time from 1994 through the present, as well as any and all input data used in any economic model supporting the CAP that has

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<sup>1</sup> The terms "Cost Allocation Plan" ("CAP") or "Cost Allocation Plan Model" ("CAP Model") include Alascom's "Cost Allocation Plan for the Separation of Bush and Non-Bush Costs" itself, the "Model" referred to in the Declaration of John C. Klick and Julie A. Murphy (which declaration accompanies Alascom's Petition for Waiver), and/or any other model or cost calculation, process, formula, etc. used to make any calculation or other determination in connection with any of Alascom Tariff 11 filings, including all input data and assumptions used in or in connection with the CAP, CAP Model, or any other calculation, process, or formula, as well as related publications, articles, workpapers, and studies.

Charles R. Naftalin  
July 11, 2003  
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been provided by Alascom to the Commission or the Bureau at any time from 1994 through the present;

10. Any and all input data used by Alascom and/or any outside consultants employed by Alascom to populate, formulate, or run the CAP that has been provided by Alascom to any outside consultants, including John C. Klick or Julie A. Murphy, as well as any and all input data used in any economic model supporting the CAP that has been provided by Alascom to any outside consultants, including John C. Klick or Julie A. Murphy;

11. Exact copies of the following materials: (a) the CAP and any supporting materials submitted by Alascom to the Commission or the Bureau on or about August 29, 1994; (b) the revised CAP and any supporting materials submitted by Alascom to the Commission or the Bureau on or about July 3, 1995; and (c) the revised CAP and any supporting materials submitted by Alascom to the Commission or the Bureau on or about November 13, 1995;

12. Exact copies of the following documents submitted by Alascom to the Commission or the Bureau in support of Alascom's CAP and tariff filings on or about November 29, 1995: (a) a description of Alascom's Common Carrier Services Tariff Rate Development; (b) a Table of Alascom's Interstate Prospective Costs for 1996; (c) Alascom Historical Demand information; (d) Alascom's Prospective Demand Forecast; (e) Alascom's 1996 Demand Forecast for Bush and non-Bush; (f) a Table containing information on Total Company Plant in Service expenses; (g) a Table containing information on Total Company Depreciation Reserve; (h) a Table containing information on Total Expenses; (i) a Table containing information on Total Depreciation Expenses; and (j) Tables containing information on the CAP model, including model results;

13. Exact copies of the following documents submitted by Alascom to the Commission or the Bureau on or about November 30, 1995: (a) Table on Network Demand by Non-Bush Location; and (b) Tables containing CAP Model results;

14. Exact copies of the following documents submitted by Alascom to the Commission or the Bureau on or about December 4, 1995: (a) a description of Alascom's revised Common Carrier Services Tariff Rate Development; (b) a Table containing Alascom's Demand Analysis; (c) Tables containing Alascom's Alaska Terminating Demand, Originating Demand, and Total Alaska Demand; (d) a Table listing Non-Bush Demand by location; (e) a chart of "Development of 1996 Bush and non-Bush Demand; (f) Tables listing Total Company 1996 separation categories and amounts; (g) Tables

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listing Total Company pro forma data; (h) Tables showing implementation of Alascom's CAP model; and (i) Prospective Rate Information – Appendix D;


15. Exact copies of any and all diskettes containing electronic versions of the CAP or CAP Model that were provided by Alascom to the Commission or the Bureau at any time;

16. All versions of the CAP or CAP Model, identified by date, that were received or relied on by Alascom or its consultants to prepare the Waiver Petition; and

17. All sets of data, identified by date, that were received or relied on by Alascom or its consultants to prepare the Waiver Petition.

As stated above, we are willing to receive the requested materials subject to the terms of the Protective Order. In doing so, however, we do not concede that any of the requested materials are, indeed, confidential. As stated in Paragraph 11 of the Protective Order, Alascom may charge a reasonable copying fee not to exceed twenty-five cents per page. We ask that you provide any of the requested information that exists in electronic form by copying it onto a diskette or CD, as applicable, at the cost of one dollar per diskette or CD, as also stated in Paragraph 11. Please provide copies of the requested information within three business days, as required by Paragraph 11 of the Protective Order. Please call me at (202) 842-8809 or Tim Hughes at (202) 842-8895 with any questions regarding these matters.

Sincerely,



Joe D. Edge  
*Counsel for General  
Communication, Inc.*

JDE:cat

Enclosures

cc: Tina Pidgeon, General Communication, Inc. (via email)  
Julie Saulnier, FCC (via email)  
Deena Shetler, FCC (via email)  
Laurence H. Schecker, FCC (via email)

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**Attachment A to Protective Order**

JUL 11 2003

## DECLARATION

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**In the Matter of**

**General Communication, Inc.**  
**On Request for Inspection of Documents**

# Alascom Petition for Waiver from the Commission Rule and Orders Requiring an Annual Tariff Filing

FOIA Control No. 2003-208

WC Docket No. 03-18

I, Joe D. Edge  
hereby declare under penalty of perjury that I have read the  
released July 10, 2003) in these proceedings, and that I agree  
the treatment of Confidential Information submitted by party  
that the Confidential Information shall not be disclosed to a  
terms of the Protective Order and shall be used only for purposes  
Investigation of Alascom Tariff FCC No. 11, CC Docket No. 03-100  
violation of the Protective Order is a violation of an order of  
Commission. I acknowledge that the Protective Order is also  
Submitting Party, and in instances of release of Confidential  
Communications Commission pursuant to FOIA, the Submitting Party  
provided the information to the Commission.

WC Docket  
03-18

(signed) Albert

(name) Joe D. Edge

(representing) General Communication, Inc.

(title) partner

(description of employment duties) Outside counsel to reviewing party

(employer) Drinker Biddle and Reath

(address) 1500 K Street N.W., Washington, DC 20005

(phone) 302 842 8809

(date) July 11, 2003

## Attachment A to Protective Order

## DECLARATION

In the Matter of )  
 )  
General Communication, Inc. ) FOIA Control No. 2003-208  
On Request for Inspection of Documents )  
 )  
Alascom Petition for Waiver from the ) WC Docket No. 03-18  
Commission Rule and Orders Requiring an )  
Annual Tariff Filing )  
 )

I, Timothy R. Hughes  
hereby declare under penalty of perjury that I have read the Protective Order (DA 03-2278, released July 10, 2003) in these proceedings, and that I agree to be bound by its terms pertaining to the treatment of Confidential Information submitted by parties to this proceeding. I understand that the Confidential Information shall not be disclosed to anyone except in accordance with the terms of the Protective Order and shall be used only for purposes of these proceedings and the Investigation of Alascom Tariff FCC No. 11, CC Docket No. 95-182. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission. I acknowledge that the Protective Order is also a binding agreement with the Submitting Party, and in instances of release of Confidential Information by the Federal Communications Commission pursuant to FOIA, the Submitting Party is the party that originally provided the information to the Commission.

(signed) (name) Timothy R. Hughes(representing) General Communication, Inc.(title) Associate (not admitted in D.C.; practice limited to Fed. Communications)(description of employment duties) Outside Counsel to Reviewing Party(employer) Drinker Biddle & Reath(address) 1500 K Street, NW, Washington, DC 20005(phone) (202) 842-8809(date) July 11, 2003